

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MELANIE BASS

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV034 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

The Court has before it the motion [48] of Defendant State Farm Fire and Casualty Company (State Farm) To Prevent Introduction of the Report and Testimony of Plaintiff's Expert James T. Slider (Slider). State Farm asserts that Slider has failed to meet the requisite standards for reliability established in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 119 S.Ct. 1167, 143 L.Ed.2d 238 (1999).

Plaintiff's residential property was situated at 3020 Race Track Road, D'Iberville, Mississippi. The property was completely destroyed during Hurricane Katrina, leaving only the foundation in place. The principal contested issue in this case is the extent of destruction caused by the hurricane's winds, which are covered under the State Farm policy, and the extent of the destruction caused by flood water, a loss that is excluded from coverage.

Slider is a civil engineer. He has formed his opinions based in part upon the statements of witnesses who remained on the Mississippi Gulf Coast during Hurricane Katrina, in part on a comparison of these witnesses' accounts with weather data produced at the Stennis Space Center, and in part upon calculations he has made concerning the forces that were likely to have been generated by the storm winds.

I am of the opinion that the objections raised by State Farm go to the weight of Slider's testimony and do not preclude its admission into evidence under the Federal Rules of Evidence.

Accordingly, the motion [48] of State Farm to exclude the testimony and the report of James T. Slider is hereby **DENIED**.

SO ORDERED this 7th day of March, 2007.

s/ *L. T. Senter, Jr.*
L. T. Senter, Jr.
Senior Judge